

II. REMARKS

A. General

Claims 1, 3-9, 11-14, and 16 are pending in the Application. Claim 1 is amended to remove the limitations of “so that the payment transaction is processed without using tokens”; Claim 9 is amended to remove the limitations of “so that the financial transaction is processed without using tokens”; and Claim 14 is amended to remove the limitations of “so that the payment transaction is processed without using tokens.” Support for these amendments may be found at least in the prior version of the claim. No new matter is entered.

The outstanding issues raised in the OA are as follows:

- Claims 1, 3-9, 11-14, and 16 stand rejected under 35 U.S.C. 112, first paragraph.
OA pp. 2-3.
- Claims 1, 3-9, 11-14, and 16 stand rejected under 35 U.S.C. 103(a) over U.S. Patent No. 6,236,981 (hereinafter *Hill*) in view of U.S. Patent Application Publication No. 2002/0065774 (hereinafter *Young*). OA pp. 3-5.

B. Claim Rejections - 35 U.S.C. § 112

Claims 1, 3-9, 11-14, and 16 stand rejected under 35 U.S.C. § 112, first paragraph. OA pp. 2-3. Specifically, the Examiner takes issue with the phrase “without the use of tokens,” in claims 1, 9, and 14. Claims 1, 9, and 14, as amended, no longer recite the phrase “without the use of tokens.” Thus, Applicant believes the amendment renders the rejection moot. Therefore, Applicant respectfully requests that the rejection be withdrawn.

C. Claim Rejections - 35 U.S.C. § 103

The 35 U.S.C. § 103(a) rejections of claims 1, 3-9, 11-14, and 16 are not written in

accordance with 37 C.F.R. § 1.104(c)(2). When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable and the pertinence of each reference, if not apparent, must be clearly explained. 37 CFR § 1.104(c)(2). The text of the rejection lists many features and limitations of the claims and then lists many citations to the cited art. *E.g.*, OA p.3-4 (listing all the features and limitations of claim 1 that are allegedly taught by *Hill*, followed by a listing of citations to *Hill*). By writing the rejection in this manner, Applicant is left to guess as to which teachings of the cited art are being interpreted by the Examiner to meet the limitations of the claims. Hence, the pertinence of each reference is not apparent at least because Applicant must guess as to how the cited art is being applied to the claims. Applicant respectfully requests that any future rejections be written in accordance with 37 CFR § 1.104(c)(2) and provide a clear explanation as to how the cited art is being applied to the claims. Nevertheless, Applicant hereby traverses the rejection.

Claims 1, 3-9, 11-14, and 16 stand rejected under 35 U.S.C. 103(a) over U.S. Patent No. 6,236,981 *Hill* in view of *Young*. OA pp. 3-5. It is well settled that in order to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Independent Claim 1

Claim 1 recites “wherein the centralized personal data base is adapted for access by the user computer only when a user inputs a basic number and a primary number and for access by a merchant only when the merchant inputs the primary number and a wallet number.” The cited art fails to teach these limitations for at least three reasons.

First, the cited art fails to teach “the centralized personal data base is adapted for access by the user computer,” because *Hill* fails to teach that its Merchant Information Database (MID)

is adapted for access by a user computer. Though it is difficult to tell from the rejection, the Examiner appears to allege that *Hill's* Merchant Information Database (MID) meets the claim's "centralized personal data base." OA p.4 (citing to *Hill* col. 9, ll. 64-67). Even if, *arguendo*, such an interpretation were accurate, *Hill* teaches its MID "holds the record of transactions cleared for each merchant" (*Hill* col. 9, ll. 64-67), yet is silent to a user computer accessing the MID. Hence, *Hill* fails to teach "the centralized personal data base is adapted for access by the user computer," as set forth in the claim. *Young* is not relied upon to teach or suggest such limitations, nor do its cited portions teach or suggest such limitations.

Second, the cited art fails to teach "the centralized personal data base is adapted ... for access by a merchant," because *Hill* fails to teach that its MID is adapted for access by a merchant. Though it is difficult to tell from the rejection, the Examiner appears to allege that *Hill's* Merchant Information Database (MID) meets the claim's "centralized personal data base." OA p.4 (citing to *Hill* col. 9, ll. 64-67). Even if, *arguendo*, such an interpretation were accurate, *Hill* merely teaches an MID "holds the record of transactions cleared for each merchant" (*Hill* col. 9, ll. 64-67), yet is silent to the merchant accessing the MID. Hence, *Hill* fails to teach "the centralized personal data base is adapted ... for access by a merchant," as set forth in the claim. *Young* is not relied upon to teach or suggest such limitations, nor do its cited portions teach or suggest such limitations.

Third, the cited art fails to teach "the centralized personal data base is adapted for access by the user computer . . . and for access by a merchant," because *Hill* fails to teach that its MID is adapted for access by a user computer and by a merchant. As discussed above, *Hill* fails to teach that its Merchant Information Database (MID) is adapted for access by a user computer, since it is silent to such features. Additionally, as discussed above, *Hill* fails to teach that its MID is adapted for access by a merchant, since *Hill* is also silent to these features. As such, even

if *Hill*'s teachings of an MID were interpreted to meet the limitations of access by a user computer or access by a merchant, *Hill* would still fail to teach the limitations of the claim because *Hill* is silent to its MID being adapted for access by both a user computer and a merchant. Hence, *Hill* fails to teach "the centralized personal data base is adapted for access by the user computer . . . and for access by a merchant," as set forth in the claim. *Young* is not relied upon to teach or suggest such limitations, nor do its cited portions teach or suggest such limitations.

Claim 1 also recites "wherein the transaction program contains instructions to cause the user to provide a primary number and a wallet number to a merchant for a payment transaction." The cited art fails to teach these limitations at least because *Hill* fails to teach "instructions to cause the user to provide . . . a wallet number to a merchant." Though it is difficult to tell, the OA appears to interpret *Hill*'s wallet ID as meeting the claim's "wallet number" and interpret *Hill*'s merchant module as meeting the claim's "merchant." OA p.4. *Hill* teaches its merchant module transmitting a wallet ID and a payment token to a payment service (*Hill* col. 12, ll. 45-67), yet *Hill* is silent to its user transmitting a wallet ID to the merchant module. Thus, even when using the Examiner's interpretation of the cited art (to which Applicant does not concede), *Hill* still fails to teach or suggest a user providing a wallet number to a merchant, much less "instructions to cause the user to provide . . . a wallet number to a merchant," as set forth in the claims. *Young* is not relied upon to teach or suggest such limitations, nor do its cited portions teach or suggest such limitations.

Thus, the cited art fails to teach or suggest all the claim limitations. Therefore, applicant respectfully requests that the rejection be withdrawn.

Dependent Claims 3-8

Dependent claims 3-8 each depend from and inherit all the limitations of claim 1. As

discussed above, claim 1 contains features and limitations that are not taught or suggested by the prior art. Thus, claims 3-8 contain features and limitations that are not taught or suggested by the prior art. Therefore, Applicant respectfully requests that the rejection be withdrawn.

Independent Claim 9

Claim 9 recites “providing access for a user to the centralized personal data base only when a user inputs a basic number and a primary number” and “providing access for a merchant to the centralized personal data base only when the merchant inputs the primary number and a wallet number.” The cited art fails to teach these limitations for at least three reasons.

First, the cited art fails to teach “providing access for a user to the centralized personal data base,” because *Hill* fails to teach that its Merchant Information Database (MID) is accessed by a user. Though it is difficult to tell from the rejection, the Examiner appears to allege that *Hill's* Merchant Information Database (MID) meets the claim’s “centralized personal data base.” OA p.4 (citing to *Hill* col. 9, ll. 64-67). Even if, *arguendo*, such an interpretation were accurate, *Hill* teaches its MID “holds the record of transactions cleared for each merchant” (*Hill* col. 9, ll. 64-67), yet is silent to a user accessing the MID. Hence, *Hill* fails to teach “providing access for a user to the centralized personal data base,” as set forth in the claim. *Young* is not relied upon to teach or suggest such limitations, nor do its cited portions teach or suggest such limitations.

Second, the cited art fails to teach “providing access for a merchant to the centralized personal data base,” because *Hill* fails to teach that its MID is accessed by a merchant. Though it is difficult to tell from the rejection, the Examiner appears to allege that *Hill's* Merchant Information Database (MID) meets the claim’s “centralized personal data base.” OA p.4 (citing to *Hill* col. 9, ll. 64-67). Even if, *arguendo*, such an interpretation were accurate, *Hill* merely teaches an MID “holds the record of transactions cleared for each merchant” (*Hill* col. 9, ll. 64-67), yet is silent to the merchant accessing the MID. Hence, *Hill* fails to teach “providing access

for a merchant to the centralized personal data base,” as set forth in the claim. *Young* is not relied upon to teach or suggest such limitations, nor do its cited portions teach or suggest such limitations.

Third, the cited art fails to teach “providing access for a user to the centralized personal data base” and “providing access for a merchant to the centralized personal data base,” because *Hill* fails to teach that its MID is accessed by a user and by a merchant. As discussed above, *Hill* fails to teach that its Merchant Information Database (MID) is adapted for access by a user, since it is silent to such features. Additionally, as discussed above, *Hill* fails to teach that its MID is adapted for access by a merchant, since *Hill* is also silent to these features. As such, even if *Hill*’s teachings of an MID were interpreted to meet the limitations of access by a user or access by a merchant, *Hill* would still fail to teach the limitations of the claim because *Hill* is silent to its MID being accessed by both a user and a merchant. Hence, *Hill* fails to teach “providing access for a user to the centralized personal data base” and “providing access for a merchant to the centralized personal data base,” as set forth in the claim. *Young* is not relied upon to teach or suggest such limitations, nor do its cited portions teach or suggest such limitations.

Claim 9 also recites “responsive to receipt of the basic number, the primary number, and an account data from the user, creating a wallet number for an electronic wallet.” Though it is difficult to tell, the OA appears to interpret *Hill*’s wallet ID as meeting the claim’s “wallet number.” OA p.4. The cited portions of *Hill* are silent to its wallet ID being created in response to anything, much less in response to receipt of a basic number, a primary number, and an account data. Hence, *Hill* fails to teach or suggest “responsive to receipt of the basic number, the primary number, and an account data from the user, creating a wallet number for an electronic wallet,” as set forth in the claim. *Young* is not relied upon to teach or suggest such limitations, nor do its cited portions teach or suggest such limitations.

Thus, the cited art fails to teach or suggest all the claim limitations. Therefore, applicant respectfully requests that the rejection be withdrawn.

Dependent Claims 11-13

Dependent claims 11-13 each depend from and inherit all the limitations of claim 9. As discussed above, claim 9 contains features and limitations that are not taught or suggested by the prior art. Thus, claims 11-13 contain features and limitations that are not taught or suggested by the prior art. Therefore, Applicant respectfully requests that the rejection be withdrawn.

Independent Claim 14

Claim 14 recites “provide access for a user to the centralized personal data base only when the user inputs a basic number and a primary number” and “provide access for a merchant to the centralized personal data base only when the merchant inputs the primary number and a wallet number.” The cited art fails to teach these limitations for at least three reasons.

First, the cited art fails to teach “provide access for a user to the centralized personal data base,” because *Hill* fails to teach that its Merchant Information Database (MID) is accessed by a user. Though it is difficult to tell from the rejection, the Examiner appears to allege that *Hill’s* Merchant Information Database (MID) meets the claim’s “centralized personal data base.” OA p.4 (citing to *Hill* col. 9, ll. 64-67). Even if, *arguendo*, such an interpretation were accurate, *Hill* teaches its MID “holds the record of transactions cleared for each merchant” (*Hill* col. 9, ll. 64-67), yet is silent to a user accessing the MID. Hence, *Hill* fails to teach “t providing access for a user to the centralized personal data base,” as set forth in the claim. *Young* is not relied upon to teach or suggest such limitations, nor do its cited portions teach or suggest such limitations.

Second, the cited art fails to teach “provide access for a merchant to the centralized personal data base,” because *Hill* fails to teach that its MID is accessed by a merchant. Though it is difficult to tell from the rejection, the Examiner appears to allege that *Hill’s* Merchant

Information Database (MID) meets the claim's "centralized personal data base." OA p.4 (citing to *Hill* col. 9, ll. 64-67). Even if, *arguendo*, such an interpretation were accurate, *Hill* merely teaches an MID "holds the record of transactions cleared for each merchant" (*Hill* col. 9, ll. 64-67), yet is silent to the merchant accessing the MID. Hence, *Hill* fails to teach "providing access for a merchant to the centralized personal data base," as set forth in the claim. *Young* is not relied upon to teach or suggest such limitations, nor do its cited portions teach or suggest such limitations.

Third, the cited art fails to teach "provide access for a user to the centralized personal data base" and "provide access for a merchant to the centralized personal data base," because *Hill* fails to teach that its MID is accessed by a user and by a merchant. As discussed above, *Hill* fails to teach that its Merchant Information Database (MID) is adapted for access by a user, since it is silent to such features. Additionally, as discussed above, *Hill* fails to teach that its MID is adapted for access by a merchant, since *Hill* is also silent to these features. As such, even if *Hill*'s teachings of an MID were interpreted to meet the limitations of access by a user or access by a merchant, *Hill* would still fail to teach the limitations of the claim because *Hill* is silent to its MID being accessed by both a user and a merchant. Hence, *Hill* fails to teach "providing access for a user to the centralized personal data base" and "providing access for a merchant to the centralized personal data base," as set forth in the claim. *Young* is not relied upon to teach or suggest such limitations, nor do its cited portions teach or suggest such limitations.

Claim 14 also recites "responsive to receipt of the basic number, the primary number, and an account data, create a wallet number for an electronic wallet." Though it is difficult to tell, the OA appears to interpret *Hill*'s wallet ID as meeting the claim's "wallet number." OA p.4. The cited portions of *Hill* are silent to its wallet ID being created in response to anything, much less in response to receipt of a basic number, a primary number, and an account data. Hence,

Hill fails to teach or suggest “responsive to receipt of the basic number, the primary number, and an account data, create a wallet number for an electronic wallet,” as set forth in the claim. *Young* is not relied upon to teach or suggest such limitations, nor do its cited portions teach or suggest such limitations.

Claim 14 also recites “a centralized personal data base website.” Though it is difficult to tell from the rejection, the Examiner appears to allege that *Hill*’s Merchant Information Database (MID) meets the claim’s “centralized personal data base.” OA p.4 (citing to *Hill* col. 9, ll. 64-67). The cited portion of *Hill* teaches an MID “holds the record of transactions cleared for each merchant” (*Hill* col. 9, ll. 64-67), yet is silent to an MID website. Hence, *Hill* fails to teach “a centralized personal data base website,” as set forth in the claim. *Young* is not relied upon to teach or suggest such limitations, nor do its cited portions teach or suggest such limitations.

Claim 14 also recites “responsive to receipt of the basic number, the primary number, and an account data, … to register the electronic wallet at a centralized personal data base website.” The OA does not appear to address these limitations of claim 14. See OA p.4 (stating that claim 14 is rejected, but failing to mention the limitations specific to claim 14). The cited portions of *Hill* and *Young* are silent to registering an electronic wallet at a website. Hence, the cited art fails to teach or suggest “responsive to receipt of the basic number, the primary number, and an account data, … to register the electronic wallet at a centralized personal data base website.”

Thus, the cited art fails to teach or suggest all the claim limitations. Therefore, applicant respectfully requests that the rejection be withdrawn.

Dependent Claim 16

Dependent claim 16 depends from and inherits all the limitations of claim 14. As discussed above, claim 14 contains features and limitations that are not taught or suggested by the prior art. Thus, claim 16 contains features and limitations that are not taught or suggested by

the prior art. Therefore, Applicant respectfully requests that the rejection be withdrawn.

E. Attention is Called to Copending Application 09/888,452

The examiner's attention is called to co-pending application 09/888,452 in art unit 2134. In that application, Examiner Jung recently cited Odds & Ends, January 2000, Vol. 8, Issue 1, "The Safety Net of Passport Your Ticket for Electronically Transporting Your Wallet Online." (see office action mailed 10/19/2007). Application 09/888,452 is to the same inventor as this application and discloses a similar security method. Other references cited by Examiner Jung were overcome by applicant's arguments and amendments, and the prior office actions and amendments are available to the examiner in the '452 file. Currently the '452 application is rejected under 103(a) based on "Odds & Ends." Applicant submits that "Odds & Ends" does not disclose each element of the claims in the '452 application. Applicant submits that "Odds & Ends" should not be applied to this application because it does not discloses, *inter alia*, the centralized personal database.

F. Conclusion

Applicant submits that the claims are in condition for allowance.

Respectfully submitted,

Rudolf O. Siegesmund

Rudolf O. Siegesmund
Registration No. 37,720
Gordon & Rees, LLP
2100 Ross Avenue
Suite 2800
Dallas, Texas
214-231-4660 (main)
214-231-4703 (direct)
214-461-4053 (fax)
rsiegesmund@gordonrees.com
Attorney for Applicant